IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1197 OF 2003.
IN
SECOND APPEAL 797 NO.OF 2003.

Ananda Tukaram yedekar & Ors. ...Appellants

Versus

Bhalchandra Rango Kulkarni ...Respondent

Shri Gautam Kamble for the Appellants.

Shri Amit Borkar for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 06th December, 2007.

P.C.:

1. The application is abated in so far as first appellant is concerned. Heard advocates appearing for the parties. As Second Appeal has been admitted for final hearing, decree for possession deserves to be stayed subject to conditions.

2. Hence, I pass the following order:

(i) Till the final disposal of the appeal, the execution and operation of decree for possession shall remain stayed subject to condition that the appellants will not create any third party interests in respect of the suit property and will not part with possession thereof.

(ii) It is made clear that there will be no stay of the proceedings of the enquiry as regards mesne profit. However, final order which will be passed will not be executed without permission of this Court.

(iii) Grant of stay will not preclude the respondent from taking out appropriate proceedings for recovery of possession as against the appellants.

JUDGE